

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS**

**IN RE: TESTOSTERONE REPLACEMENT
THERAPY PRODUCTS LIABILITY
LITIGATION**

**Case No. 1:14-CV-01748
MDL 2545**

JUDGE MATTHEW F. KENNELLY

This document relates: All ACTIONS

**CASE MANAGEMENT ORDER NO. 22
(Amendments to Master Pleadings and Waiver of Service of Process for Certain Acrux
Defendants)**

The parties have met and conferred and, after negotiation and the agreement of counsel, have agreed to the following plan to address amendments to the Master Pleadings and service of process involving Acrux Limited, Acrux DDS Pty Ltd., and Acrux Commercial Pty Ltd.

The Court hereby **ORDERS AS FOLLOWS:**

A. ACRUX DEFENDANTS TO BE INCLUDED IN MASTER PLEADINGS

1. The foreign defendants, Acrux Limited and Acrux DDS Pty Ltd. have been named as defendants concerning the drug Axiron® in the Master Pleadings created pursuant to CMO 20. Acrux Limited asserts it is a holding company and that other Acrux entities exist which had and have direct responsibilities for Axiron® and have the ability to pay any judgment which could be imposed related to this litigation.

2. Therefore, the parties have agreed that Acrux Limited is to be dismissed *without prejudice* from the Master Pleadings and Acrux Commercial Pty Ltd. will be substituted into the Master Pleadings. An Amended Master Complaint and an Amended Short Form Complaint must be filed within 15 days of this Order to reflect these modifications.

3. Acrux Commercial Pty Ltd., Acrux DDS Pty Ltd., Eli Lilly and Company, and Lilly USA, LLC further agree they will not claim that Acrux Limited is an indispensable party to any product liability claims filed in these proceedings as such claims pertain to Axiron®.

4. It is further agreed that with respect to any product liability action initiated in these proceedings prior to the date of this Order, the addition of Acrux Commercial Pty Ltd. as a defendant in the Master Long-Form Complaint shall be deemed to relate back to the initial filing of the complaint and/or Master Short-Form Complaint for purposes of calculating any applicable statute of limitations.

B. SERVICE OF PROCESS

1. In consideration of Plaintiffs' agreement to dismiss without prejudice Acrux Limited from the Master Pleadings, Acrux Commercial Pty Ltd. and Acrux DDS Pty Ltd. have agreed to accept requests for waivers of service of process via email as set forth in Second Amended CMO 18.¹

IT IS SO ORDERED.

MATI
UNITI



May 29, 2015

¹ Second Amended CMO 18 has been entered contemporaneously herewith reflecting the email address where service of process may be effectuated on Acrux Commercial Pty Ltd. and Acrux DDS Pty Ltd.